

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 31

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3131S.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the highways and transportation commission authority to finance, construct, operate, and maintain toll facilities.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on
2 Tuesday next following the first Monday in November, 2008, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article IV of the Constitution of the state of Missouri:

6 Section A. Section 30(b), article IV, Constitution of Missouri, is repealed
7 and two new sections adopted in lieu thereof, to be known as sections 30(b) and
8 30(e), to read as follows:

9 Section 30(b). 1. For the purpose of constructing and maintaining an
10 adequate system of connected state highways all state revenue derived from
11 highway users as an incident to their use or right to use the highways of the
12 state, including all state license fees and taxes upon motor vehicles, trailers and
13 motor vehicle fuels, and upon, with respect to, or on the privilege of the
14 manufacture, receipt, storage, distribution, sale or use thereof (excepting: those
15 portions of the sales tax on motor vehicles and trailers which are not distributed
16 to the state road fund pursuant to subsection 2 of this section 30(b); **any tolls,**
17 **fees, rents, and other revenue derived from toll facilities and the**
18 **proceeds of toll facility revenue and revenue refunding bonds;** and
19 further excepting all property taxes), less the (1) actual cost of collection of the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 department of revenue (but not to exceed three percent of the particular tax or
21 fee collected), (2) actual cost of refunds for overpayments and erroneous payments
22 of such taxes and fees and maintaining retirement programs as permitted by law
23 and (3) actual cost of the state highway patrol in administering and enforcing any
24 state motor vehicle laws and traffic regulations, **and less refunds with respect**
25 **to fuel not used for propelling highway motor vehicles, and less refunds**
26 **for overpayments and erroneous payments of all other state revenue**
27 **derived from highway users set forth under this section,** shall be
28 deposited in the state road fund which is hereby created within the state treasury
29 and stand appropriated without legislative action to be used and expended by the
30 highways and transportation commission for the following purposes, and no other:

31 First, to the payment of the principal and interest on any outstanding
32 state road bonds. The term state road bonds in this section 30(b) means any
33 bonds or refunding bonds issued by the highways and transportation commission
34 to finance or refinance the construction or reconstruction of the state highway
35 system.

36 Second, to maintain a balance in the state road fund in the amount
37 deemed necessary to meet the payment of the principal and interest of any state
38 road bonds for the next succeeding twelve months.

39 The remaining balance in the state road fund shall be used and expended
40 in the sole discretion of and under the supervision and direction of the highways
41 and transportation commission for the following state highway system uses and
42 purposes and no other:

43 (1) To complete and widen or otherwise improve and maintain the state
44 highway system heretofore designated and laid out under existing laws;

45 (2) To reimburse the various counties and other political subdivisions of
46 the state, except incorporated cities and towns, for money expended by them in
47 the construction or acquisition of roads and bridges now or hereafter taken over
48 by the highways and transportation commission as permanent parts of the state
49 highway system, to the extent of the value to the state of such roads and bridges
50 at the time taken over, not exceeding in any case the amount expended by such
51 counties and subdivisions in the construction or acquisition of such roads and
52 bridges, except that the highways and transportation commission may, in its
53 discretion, repay, or agree to repay, any cash advanced by a county or subdivision
54 to expedite state road construction or improvement;

55 (3) **To**, in the discretion of the commission to plan, locate, relocate,

56 establish, acquire, construct and maintain the following:

57 (a) interstate and primary highways within the state;

58 (b) supplementary state highways and bridges in each county of the state;

59 (c) state highways and bridges in, to and through state parks, public areas

60 and reservations, and state institutions now or hereafter established to connect

61 the same with the state highways, and also national, state or local parkways,

62 travelways, tourways, with coordinated facilities;

63 (d) any tunnel or interstate bridge or part thereof, where necessary to

64 connect the state highways of this state with those of other states;

65 (e) any highway within the state when necessary to comply with any

66 federal law or requirement which is or shall become a condition to the receipt of

67 federal funds;

68 (f) any highway in any city or town which is found necessary as a

69 continuation of any state or federal highway, or any connection therewith, into

70 and through such city or town; and

71 (g) additional state highways, bridges and tunnels, either in congested

72 traffic areas of the state or where needed to facilitate and expedite the movement

73 of through traffic.

74 (4) **To conduct studies for toll facilities;**

75 (5) **To pay the costs of toll facility projects and the principal of**

76 **and interest on bonds for state toll facility projects authorized**

77 **pursuant to section 30(d) of this article;**

78 (6) To acquire materials, equipment and buildings and to employ such

79 personnel as necessary for the purposes described in this subsection 1; and

80 [(5)] (7) For such other purposes and contingencies relating and

81 appertaining to the construction and maintenance of such state highway system

82 as the highways and transportation commission may deem necessary and proper.

83 2. (1) The state sales tax upon the sale of motor vehicles, trailers,

84 motorcycles, mopeds and motortricycles at the rate provided by law on November

85 2, 2004, is levied and imposed by this section until the rate is changed by law or

86 constitutional amendment.

87 (2) One-half of the proceeds from the state sales tax on all motor vehicles,

88 trailers, motorcycles, mopeds and motortricycles shall be dedicated for highway

89 and transportation use and shall be apportioned and distributed as follows: ten

90 percent to the counties, fifteen percent to the cities, two percent to be deposited

91 in the state transportation fund, which is hereby created within the state

92 treasury to be used in a manner provided by law and seventy-three percent to be
93 deposited in the state road fund. The amounts apportioned and distributed to the
94 counties and cities shall be further allocated and used as provided in section 30(a)
95 of this article. The amounts allocated and distributed to the highways and
96 transportation commission for the state road fund shall be used as provided in
97 subsection 1 of this section 30(b). The sales taxes which are apportioned and
98 distributed pursuant to this subdivision (2) shall not include those taxes levied
99 and imposed pursuant to sections 43(a) or 47(a) of this article. The term
100 "proceeds from the state sales tax" as used in this subdivision (2) shall mean and
101 include all revenues received by the department of revenue from the said sales
102 tax, reduced only by refunds for overpayments and erroneous payments of such
103 tax as permitted by law and actual costs of collection by the department of
104 revenue (but not to exceed three percent of the amount collected).

105 (3) (i) From and after July 1, 2005, through June 30, 2006, twenty-five
106 percent of the remaining one-half of the proceeds of the state sales tax on all
107 motor vehicles, trailers, motorcycles, mopeds and motortricycles which is not
108 distributed by subdivision (2) of subsection 2 of this section 30(b) shall be
109 deposited in the state road bond fund which is hereby created within the state
110 treasury; (ii) from and after July 1, 2006, through June 30, 2007, fifty percent of
111 the aforesaid one-half of the proceeds of the state sales tax on all motor vehicles,
112 trailers, motorcycles, mopeds and motortricycles which is not distributed by
113 subdivision (2) of subsection 2 of this section 30(b) shall be deposited in the state
114 road bond fund; (iii) from and after July 1, 2007, through June 30, 2008,
115 seventy-five percent of the aforesaid one-half of the proceeds of the state sales tax
116 on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which is
117 not distributed by subdivision (2) of subsection 2 of this section 30(b) shall be
118 deposited in the state road bond fund; and (iv) from and after July 1, 2008, one
119 hundred percent of the aforesaid one-half of the proceeds of the state sales tax on
120 all motor vehicles, trailers, motorcycles, mopeds and motortricycles which is not
121 distributed by subdivision (2) of subsection 2 of this section 30(b) shall be
122 deposited in the state road bond fund. Moneys deposited in the state road bond
123 fund are hereby dedicated to and shall only be used to fund the repayment of
124 bonds issued by the highways and transportation commission to fund the
125 construction and reconstruction of the state highway system or to fund refunding
126 bonds, except that after January 1, 2009, that portion of the moneys in the state
127 road bond fund which the commissioner of administration and the highways and

128 transportation commission each certify is not needed to make payments upon said
129 bonds or to maintain an adequate reserve for making future payments upon said
130 bonds may be appropriated to the state road fund. The highways and
131 transportation commission shall have authority to issue state road bonds for the
132 uses set forth in this subdivision (3). The net proceeds received from the issuance
133 of such bonds shall be paid into the state road fund and shall only be used to
134 fund construction or reconstruction of specific projects for parts of the state
135 highway system as determined by the highways and transportation
136 commission. The moneys deposited in the state road bond fund shall only be
137 withdrawn by appropriation pursuant to this constitution. No obligation for the
138 payment of moneys so appropriated shall be paid unless the commissioner of
139 administration certifies it for payment and further certifies that the expenditure
140 is for a use which is specifically authorized by the provisions of this subdivision
141 (3). The proceeds of the sales tax which are subject to allocation and deposit into
142 the state road bond fund pursuant to this subdivision (3) shall not include the
143 proceeds of the sales tax levied and imposed pursuant to sections 43(a) or 47(a)
144 of this article nor shall they include the proceeds of that portion of the sales tax
145 apportioned, distributed and dedicated to the school district trust fund on
146 November 2, 2004. The term "proceeds from the state sales tax" as used in this
147 subdivision (3) shall mean and include all revenues received by the department
148 of revenue from the said sales tax, reduced only by refunds for overpayments and
149 erroneous payments of such tax as permitted by law and actual costs of collection
150 by the department of revenue (but not to exceed three percent of the amount
151 collected).

152 3. After January 1, 1980, any increase in state license fees and taxes on
153 motor vehicles, trailers, motorcycles, mopeds and motortricycles other than those
154 taxes distributed pursuant to subsection 2 of this section 30(b) shall be
155 distributed as follows: ten percent to the counties, fifteen percent to the cities and
156 seventy-five percent to be deposited in the state road fund. The amounts
157 distributed shall be apportioned and distributed to the counties and cities as
158 provided in section 30(a) of this article, to be used for highway purposes.

159 4. The moneys apportioned or distributed under this section to the state
160 road fund, the state transportation fund, the state road bond fund, counties,
161 cities, towns or villages shall not be included within the definition of "total state
162 revenues" as that term is used in section 17 of Article X of this constitution nor
163 be considered as an "expense of state government" as that term is used in section

164 20 of article X of this constitution.

**Section 30(e). 1. The highways and transportation commission
2 is authorized to finance, acquire, construct, maintain, improve,
3 reconstruct, and operate state toll facilities proposed by the
4 commission and authorized by the general assembly within this state,
5 across the borders of this state and another state, and across a river or
6 stream comprising the boundary or a portion of the boundary between
7 this state and another state. Toll facilities shall be a part of the state
8 highway system.**

**9 2. For toll facility projects authorized by the general assembly,
10 the commission:**

**11 (1) May fix and collect tolls, fees, rents, or other charges for the
12 use of all toll facilities;**

**13 (2) May issue toll facility revenue bonds or toll facility revenue
14 refunding bonds for toll facilities without the consent of any other state
15 agency or board; and**

**16 (3) May enter into any contract with any federal or state agency,
17 city, county, or political subdivision, or any person or business entity,
18 to perform any of the duties authorized by this section.**

**19 3. The commission shall credit, apportion, and distribute the net
20 proceeds derived from the sale of state toll facility revenue bonds or
21 refunding bonds and the interest thereon, the proceeds from all tolls,
22 fees, rents, or other charges derived from toll facilities, less any
23 refunds for overpayments and erroneous payments of such tolls, fees,
24 rents, or other revenue, and any other moneys derived from federal,
25 state, local, or special funds to the state toll facility fund. The
26 commission shall expend such moneys solely for the toll facility
27 projects authorized by the general assembly. Moneys in such fund shall
28 stand appropriated without legislative action to be expended in the
29 sole discretion of the commission for the authorized purposes in this
30 section and no other purposes. All interest earned upon the sums
31 within such fund shall be deposited within and to the credit of the
32 fund.**

**33 4. The commission is authorized to transfer moneys from the
34 state road fund to the state toll facility fund to pay costs of performing
35 the duties and functions authorized by this section. Such transfers
36 shall derive only from such moneys in the state road fund in excess of**

37 the amounts necessary to make principal and interest payments on all
38 outstanding state road bonds and refunding bonds for the next
39 succeeding twelve months. Such transfers shall be repaid to the state
40 road fund, in the time and manner as determined by the commission,
41 from the state toll facility fund.

42 5. The commission may relocate or incorporate into any toll
43 facility project any public roads, highways, or bridges as needed for toll
44 facility projects authorized by the general assembly.

45 6. State toll facility revenue bond and refunding bond proceeds
46 and all tolls, fees, rents, and other revenue derived from the
47 establishment or operation of state toll facilities, shall not be deemed
48 taxes or fees, and shall not be included as part of "total state revenues",
49 within the meaning of sections 17 and 18 of Article X of this
50 Constitution. The expenditure of these revenues shall not be
51 considered an "expense of state government" under section 20 of Article
52 X of this Constitution.

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Bill

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